

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA
Western Division

U.S.A. vs. Heather Lin Hernan

Docket No. 7:14-MJ-1142-1

Petition for Action on Probation

COMES NOW Eddie J. Smith, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment of Heather Lin Hernan, who, upon an earlier plea of guilty to 18 U.S.C. § 13, assimilating N.C.G.S. 20-138.1, Driving While Impaired (Level 5), was sentenced by the Honorable Robert B. Jones, Jr., U.S. Magistrate Judge on April 1, 2015, to 12 months probation under the conditions adopted by the court.

On May 29, 2015, after the defendant assaulted her mother, the court modified the conditions of supervision to include mental health counseling and five days in jail.

On October 30, 2015, a violation report was submitted to the court reporting that the defendant had failed to complete her driving while impaired assessment as required, failed to pay the \$10 special assessment and \$200 fine, failed to complete the 24 hours of community service as ordered, and failed to comply with mental health counseling as instructed. On November 2, 2015, the court agreed to continue supervision.

On February 22, 2016, the term of supervision was extended for six months to the new expiration date of September 30, 2016, to allow the defendant additional time to complete her driving while assessment, recommended treatment and her community service hours.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: The defendant still has not completed the driving while impaired assessment or all of the community service hours. The defendant is pregnant and has requested additional time to complete these obligations. She is getting assistance from her family to pay for the driving while impaired assessment and treatment. She has only approximately six more hours of community service to complete. At this time, we are recommending that the term of probation be extended for three months to allow the defendant additional time to complete these obligations. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

1. The term of probation be extended for three months to the new expiration date of December 30, 2016.

Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Eddie J. Smith

Eddie J. Smith

Supervising U.S. Probation Officer

310 Dick Street

Fayetteville, NC 28301-5730

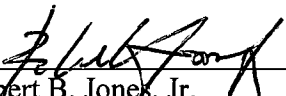
Phone: 910-354-2537

Executed On: August 31, 2016

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ORDER OF THE COURT

Considered and ordered this 31 day of August, 2016 and ordered filed and made a part of the records in the above case.



Robert B. Jones, Jr.
U.S. Magistrate Judge